

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LEON DENARD CURRIE,

Petitioner,

v.

RONALD HAYNES,

Respondent.

CASE NO. C22-5823 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Theresa L. Fricke's Report and Recommendation (R&R), Dkt. 13, recommending the Court grant Respondent's motion to dismiss Petitioner Leon Currie's third 28 U.S.C. § 2254 petition for failure to seek leave from the Ninth Circuit before filing a second or successive habeas petition. Such leave is required under 28 U.S.C. § 2244(b)(2)(A). Dkt. 13 at 2.

Currie objects. He concedes his prior two efforts to obtain habeas relief (related to a 1995 state court homicide conviction) were dismissed, but he asserts that this is not a second or successive petition because no court ever reached the merits of his prior attempts. Dkt. 14.

1 The Court does not agree, and Currie has offered no authority to support his claim.
2 The R&R is ADOPTED, the Motion to Dismiss for lack of subject matter jurisdiction is
3 GRANTED.

4 The Clerk shall enter a JUDGMENT and close the case.

5 IT IS SO ORDERED.

6 Dated this 13th day of June, 2023.

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9 BENJAMIN H. SETTLE
10 United States District Judge
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